

REMARKS

In the Office Action of May 22, 2008, drawings were objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters 13 and 15 have both been used to designate same area of the housing in Fig. 11.

In response to the objection, a new replacement sheet including Fig. 11, where reference character 15 has been canceled, has been filed with an annotated sheet illustrating a portion which has been canceled.

On page 2 of the Action, claim 14 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In response to the rejection, claim 14 has been amended to obviate the rejection.

On page 3 of the Action, claims 1 and 3-14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi (US 2004/0045398 A1) in view of Sugasawa et al. (US 4,938,322).

According to 35 U.S.C. 103 (c)(1), subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

It is respectfully stated that the present application and the examiner's primary reference, Hayashi, have a common inventor, Ken Hayashi. Furthermore, the present application and Hayashi were assigned or obligated to be assigned to Nifco Inc. at the time the inventions were made.

Serial No. 10/572,378

Amendments to the Drawings

In Fig. 11, numeral 15 and its lead line have been deleted.
Annotated sheet and a replace sheet have been filed.

Accordingly, 35 U.S.C. 103 (c)(1) should be applied to the present application, and the rejection under 35 U.S.C. 103(a) should be withdrawn.

The present application is now in condition for allowance.

Reconsideration and allowance are earnestly solicited.

Respectfully Submitted,

By Manabu Kanesaka
Manabu Kanesaka
Reg. No. 31,467
Agent for Applicants

1700 Diagonal Road, Suite 310
Alexandria, VA 22314
(703) 519-9785

FIG. 11

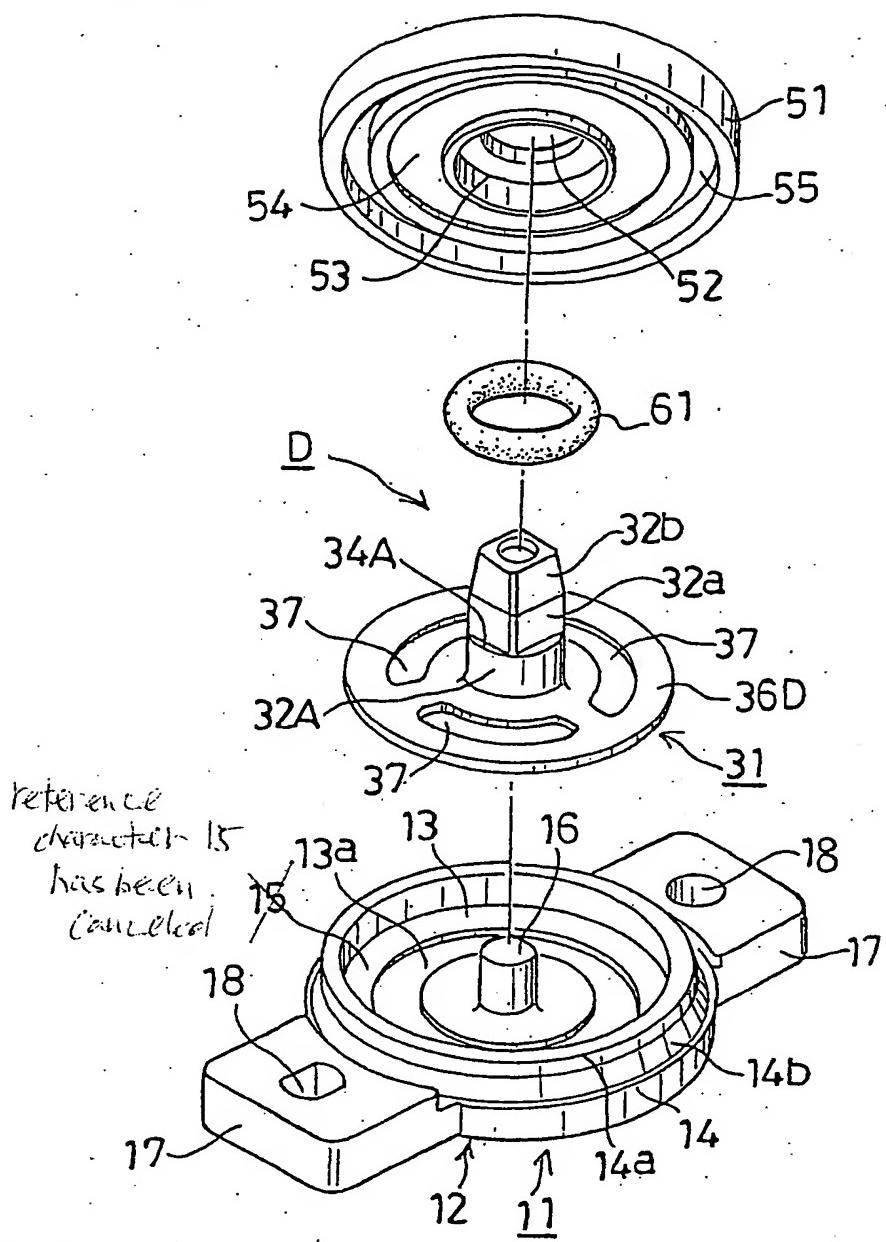


FIG. 12

